

REMARKS

Status of Claims

Prior to this amendment, claims 1-16 were pending in the application.

In the present Office Action, claims 4 and 16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 9 and 11 were rejected under 35 U.S.C. 102(a) as being anticipated by Cook et al. (U.S. 2002/0103926). Claims 1-8, 10 and 12-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al. in view of Holborow (U.S. 2002/0191691). Claim 16 was objected to as being dependent upon a rejected base claim, but otherwise being allowable if rewritten in independent form to include all the limitations of the base and intervening claims.

By this amendment, claims 1, 5 and 13 have been amended and claims 4, 8-12 and 16 have been canceled. As such, claims 1-3, 5-7 and 13-15 remain pending in the application for further consideration by the Examiner. In view of the amendments and the remarks that follow, it is believed that the application stands in condition for allowance and, as such, Applicants earnestly solicit a Notice of Allowance.

Preliminary Amendment

Applicants wish it to be noted in the record that a Preliminary Amendment was previously submitted for this application, but for reasons unknown to Applicants, the Preliminary Amendment was not entered in the case. In particular, Applicants mailed the Preliminary Amendment on August 21, 2001 and subsequently received a return receipt postcard indicating receipt by the USPTO on August 23, 2001. A copy of the return receipt postcard and the Preliminary Amendment is attached hereto as evidence of this submission. It is apparent from the contents of the present Office Action, as well as the file history available for inspection through the PAIR system, that this Preliminary Amendment was never entered into the application.

Applicants are bringing this to the attention of the Examiner to at least indicate for the record that inadvertent typographical errors in the original specification and claims, some of which are now the basis for several objections in the present Office Action, were in fact addressed by Applicants' Preliminary Amendment. Notwithstanding this fact, Applicants are now proceeding on the basis that the Preliminary Amendment was not and will not be entered. As such, the amendments to the claims and specifications in the present response to the present Office Action will represent the current state of the claims and specification. The unentered Preliminary Amendment is therefore deemed to be moot in view of the present Amendment.

Drawings

Pursuant to the requirement noted by the Examiner in the present Office Action, Applicants are submitting herewith a corrected set of drawings, attached and annotated as Replacement Sheets.

Specification

The disclosure was objected to because of a number of informalities as noted in the Office Action. In response, Applicants have amended the specification to address these informalities noted by the Examiner along with others of a similar nature. In particular, several words and/or phrases were inadvertently omitted from the originally-filed application as a result of a clerical error in the printing of the document, e.g., resulting from the conversion between page formats.

Applicants submit that the amendments to the specification do not introduce new matter in that support can be found throughout the originally-filed specification and claims. By way of example only and not of limitation, support for each amendment to the specification can be found at least in the following cited portions:

<u>Specification</u> <u>Page Amended</u>	<u>Support</u>
Page 2	Page 3, lines 1-7; page 7, lines 17-35; page 8, lines 1-35; Page 9, 1-4; claims 1 and 13, FIGS. 1-4.
Page 3	Page 4, lines 1-7; page 6, lines 28-35; page 7, lines 1-6; Page 8, lines 11-24; page 9, lines 5-13; claims 4, 7, 8, 12, 16; FIGS 1-4.
Page 4	FIG. 1.
Page 5	FIGS. 2, 3, 4.
Page 6	Page 6, lines 21-35; page 7, lines 1-35; page 8, lines 1-33; claims 1, 5, 9, 13; FIG. 4.
Page 8	Page 3, lines 10-23; page 6, lines 11-20; page 8, lines 34-35; page 9, lines 1-4; claims 1, 9, 13; and FIG. 1.

Claim Rejections - 35 USC §112

The Examiner rejected claims 4 and 16 under 35 USC §112, second paragraph, as being indefinite.

With regard to claim 4, the Examiner correctly noted a typographical error, which was caused by the same problem noted above by Applicant with respect to some of the disclosure in the Specification. Although claim 4 has been canceled from the application by this amendment, the subject matter of claim 4 has been incorporated into amended claim 1, the patentability of which will be discussed in subsequent paragraphs. However, for purposes of the 35 USC §112 implications, Applicants note here that the missing language from original claim 4, and now

included in amended claim 1, is “first sub-network differs from a frame duration in the third sub-network...” (underlined material added). This added language does not introduce new matter because support for the material can be found in the originally-filed specification (see, *inter alia*, page 4, lines 1-3). Accordingly, Applicants submit that the present amendment to claim 1, as it relates to the subject matter in original claim 4, overcomes the rejection under 35 USC §112 and request that the rejection be withdrawn accordingly.

With regard to claim 16, the Office Action does not identify any particular problem with the language of claim 16. Accordingly, it is believed that the rejection of claim 16 under 35 U.S.C 112 was probably not intended by the Examiner. Moreover, the fact that claim 16 was indicated as being allowable (if rewritten into independent form) later in the Office Action further supports Applicants’ belief that the rejection under 35 U.S.C. 112 was unintended and that the rejection should be withdrawn accordingly. If, however, such a rejection is being maintained, then Applicants respectfully submit that the rejection is improper and ask that the basis for such rejection be pointed out with particularity so that Applicants may respond appropriately.

Claim Rejections - 35 USC §102(a)

The Examiner rejected claims 9 and 11 under 35 USC §102(a) as being anticipated by Cook et al. (U.S. 2002/0103926). This rejection is deemed to be moot since claims 9 and 11 have been canceled by this amendment.

Claim Rejections - 35 USC §103(a)

The Examiner rejected claims 1-8, 10 and 12-15 under 35 U.S.C. 103(a) as being unpatentable over Cook et al. in view of Holborow (U.S. 2002/ 0191691).

Claim 13

Original claim 16, which was dependent on original claim 13, was objected to as being dependent upon a rejected base claim, but otherwise being allowable if rewritten in independent form to include all the limitations of the base and intervening claims. For reasons related to prosecution efficiency, e.g., to minimize changes in other claims to change dependencies, Applicants have opted to amend independent claim 13 to include the features of claim 16 instead of rewriting claim 16 in independent form. As such, amended claim 13 now includes the allowable subject matter indicated by the Examiner and is therefore believed to be patentable.

Claim 1

Claim 1 has been amended to include the subject matter from original claim 4, including the additional language noted previously to overcome the 35 U.S.C. 112 rejection. It should also be noted that amended claim 1 is broadly in line with amended claim 13, which includes the allowable subject matter from original claim 16.

More specifically, Applicants submit that claim 1 is patentably distinguishable over the combination of Cook et al. and Holborow because the combination of Cook et al. and Holborow fails to teach or suggest at least the following feature recited in amended claim 1: "the timing information indicating an extent to which a frame duration in the first sub-network differs from the frame duration in the third sub-network". Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claim 5

Claim 5 has been amended to include the subject matter from original claim 8 as well as other subject matter such that, similar to claim 1, claim 5 is also believed to be broadly in line with amended claim 13, which includes the allowable subject matter from original claim 16.

More specifically, Applicants submit that claim 5 is patentably distinguishable over the combination of Cook et al. and Holborow because the combination of Cook et al. and Holborow fails to teach or suggest at least the following feature recited in amended claim 5: "the timing information indicating an extent to which a frame duration in the first sub-network differs from the frame duration in the third sub-network". Accordingly, Applicants respectfully request that the rejection of claim 5 be withdrawn.

Dependent Claims

Claims 2-3, 6-7 and 14-15 depend, either directly or indirectly, from respective base claims 1, 5 or 13, which are each believed to be patentable for the reasons set forth above. As such, dependent claims 2-3, 6-7 and 14-15 are therefore also believed to be patentable at least on the basis that each depends from an allowable base claim, as well as for other novel features recited therein. As such, Applicants respectfully request that the rejections of these dependent claims be withdrawn accordingly.

Conclusion

In view of the foregoing, Applicants believe that all pending claims stand in condition for allowance. Accordingly, Applicants respectfully request reconsideration of the application and passage of the case to issue. Any questions can be directed to the Applicants' attorney at the number below.

Respectfully submitted,

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Amendments to the Drawings:

The attached drawings are Replacements Sheets (formal drawings), which are to be substituted for the drawings currently in the application, and which address the informalities noted in the Office Action.

Attachment: Replacement Sheets 1-3